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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OF IMPRISONMENT

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

1. The International Federation of Human Rights Leagues and its affiliated organization, the Mexican Commission for the Defence and Promotion of Human Rights, are very concerned about the human rights situation in Mexico. Mexican society today is incapable either of ensuring the full exercise of human rights or of integrating them into the country's social and political institutions.

Legality, justice and impunity

2. The legal reforms that have recently been adopted have transformed the human rights scene and had the effect of jeopardizing individual and social guarantees as a whole, i.e. all human rights in Mexico. From the legal standpoint, this situation has worsened considerably following the recent reforms of the Constitution and the Penal Code, together with the militarization of the police forces. These legislative changes resulted in the new Federal Act against Organized Crime, which entered into force last year. Its provisions can be summed up as a reduction of individual guarantees, exposing the accused to greater abuse by the authorities in charge of investigating, bringing charges and trying cases, with the growing crime rate given as the pretext for the reforms.

3. At the same time, the authorities agree that there is a need for a fair, impartial and independent system of justice and that impunity plays an important role in the poor administration of justice.

Violence and militarization

4. As a result of institutional shortcomings in matters of justice, violence is becoming an increasingly common phenomenon in Mexican society.

5. A typical example of the instability and violence is the State of Guerrero, where human rights violations have increased to the point that civil and political violence has become virtually institutionalized. The absence of the rule of law is reflected in the Government's authoritarianism, repression, illegality and impunity in judicial matters and insecurity in urban and rural areas, as well as in northern Chiapas, where the presence and impunity of paramilitary groups or "white guards" are allowed by the authorities despite the many complaints they have received.

6. The Government's response to the growing social and political instability has been to step up the repression. Of particular concern to us is the militarization of the country, which is taking two different forms: in the cities, where soldiers have started to become part of the civilian police, in violation of article 129 of the Constitution; 1/ and in rural areas, where the emergence of armed groups has led to an intensive mobilization of the police and the military. It is significant that this pattern occurs more frequently in the States with the highest rates of poverty and marginalization, such as Guerrero, Chiapas, Oaxaca, Hidalgo and Veracruz. It is also significant that, over a 10-year period, as researcher Lorenzo Meyer has noted, the Mexican Army has increased its troops by 50,000 men.

7. Despite this strategy of force, however, the crime rate has not dropped either in the cities or in the countryside. In 1996, for example, crime in the Federal District increased by 14.8 per cent, regardless of the constitutional reforms on organized crime and the increased budgets of the police forces, and armed groups continue to operate and spring up in various parts of the country. The data show that the frontal attack on crime has not had any positive results, so that the fact that the crime rate has kept steady (if not risen, as has happened throughout this year) means that it serves another purpose: is a sign of greater social instability.

8. Military operations usually take place in coordination with local police and other security forces and involve such human rights violations as searches, arbitrary detention, torture and bringing false charges. This was what happened, for example, to Mr. José Nava Andrade, against whom an attempt was made to link him to the armed rebellion and who was tortured in order to

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1/ Article 129 states that "In times of peace, no military authority may exercise functions other than those bearing a direct relation to military discipline. No military posts may be established other than in castles, forts and arsenals reporting directly to the Federal Government, or in camps, barracks or depots established outside inhabited places for the stationing of troops."

obtain information about an armed group. Since such acts generally occur in the areas with the highest rates of marginalization - which are usually indigenous - the indigenous groups are the most vulnerable to abuses, as they are in an extremely weak position vis-à-vis such major shows of force. This fact was recently acknowledged in public by Jorge Madrazo Cuellar, who is now the Attorney-General of the Republic.

Instability

9. The Government's economic policy has had a devastating impact on the great majority of Mexicans, widening the enormous gap between rich and poor and increasing the number of Mexicans living in poverty or extreme poverty. Even so, the Federal Government has decided to continue with structural adjustment policies, to the detriment of social spending. By way of example, one has only to cite the fact that, in order to shore up the banking industry following the crisis, the Federal Government has earmarked six times as much for that sector as for the social sector over the past two years.

10. Macroeconomic data and indicators contrast with the day-to-day microeconomic situation; a 7.4 per cent increase in gross domestic product was triumphantly announced this year, together with a positive balance of trade; at the same time, however, there has been agitation by bank debtors and repression - by a coalition of police officers and soldiers - of Chiapan peasants who were protesting because maize support prices were so low that it was as costly to produce it as to buy it.

11. Politically, the reform of the State which seemed to be making progress this year, was again interrupted by the party in power and unfair political competition has thus been ensured once again.

12. The tangible result of these developments is an increasingly torn social fabric, either because of the country's economic situation or because of the repeated obstruction of political and institutional channels for participation and democratic change, thereby creating - and launching - a brutal new system of competition that millions of Mexicans are incapable of dealing with.

Human rights defenders

13. The situation of human rights defenders deserves separate consideration, since the defence and promotion of the rights of victims entails dangers and these individuals themselves frequently become the victims of imprisonment, torture, murder and forced disappearances. This is a fact of life in Mexico.

14. Many human rights defenders, including journalists, trade unionists and political activists, have been subjected to some type of violence in Mexico this year. For example, about 75 members of the Partido de la Revolución Democrática (PRD) were murdered in 1996; direct or veiled accusations of belonging to guerrilla groups were made against journalists who had worked with those groups, such as Juan Anguli of El Sur in Acapulco; Razhy González, editor of the Oaxaca weekly Contrapunto, was kidnapped; and Leticia Hernández, editor of Expresso, in Tuxtla Gutiérrez, Chiapas, and Araceli Muñoz, of

El Financiero, were harassed. This category also includes the large number of arrest warrants issued against peasant social leaders (a stratagem frequently used to defuse social protest), as occurred in Hidalgo and Oaxaca, for example.

15. The repression of some organizations was especially intense this year, as in the case of the Frente Amplio de Construcción de Movimiento de Liberación Nacional (FAC-MLN), which is composed of more than 400 civil groups and has alleged that at least 169 of its members have been imprisoned and many others detained, interrogated or harassed, frequently accused of associating with armed rebel groups.

16. Also of concern are the continuing threats of death and harassment against members of non-governmental organizations, including the Mexican Commission for the Defence and Promotion of Human Rights, the Miguel Agustín Pro Centre, the National Coordinating Office of Coffee-Growers' Organizations, Citizens for Human Rights, the Tepeyac Human Rights Centre and the Mexican League for the Defence of Human Rights, to name only a few. In some cases, these acts gave way to direct repression, such as against the Coordinating Office of Non-Governmental Organizations for Peace in the State of Chiapas, whose offices were raided in October 1996. None of these incidents was properly investigated or clarified by the authorities.